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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/970,427 | 10/03/2001 | Lori A. Houston | | 4314 |

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EXAMINER

MENDOZA, ROBERT J

ART UNIT PAPER NUMBER

3713

DATE MAILED: 03/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/970,427

Applicant(s)

HOUSTON, LORI A.

Examiner

Robert J Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 5-8 and 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Claim Objections

Claims 5-8 are objected to because of the following informalities: the phrase "wherein any number or variety or version of software" is improper claim language. Appropriate correction is required.

Claim 10 is objected to because of the following informalities: the phrase "not on the individuals computer but" and the first occurrence of "or" should be deleted. The following claim language is suggested to the applicant -- resides in a distributed system selected from a group consisting of an ASP, ISP, Internet and World Wide Web. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 recite the limitation "computer interface" in claim 1, line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 4-8 recite the limitation "standard Universal Serial Bus (USB)" in claim 4, line 1. There is insufficient antecedent basis for this limitation in the claim.

Claims 4-8 recite the limitation "computer" in claim 4, line 1. There is insufficient antecedent basis for this limitation in the claim.

Claims 5-8 recite the limitation "standard computer operating systems" in claim 5, line 2. There is insufficient antecedent basis for this limitation in the claim.

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Claims 6-8 recite the limitation "said interfacing device" in claim 6, line 1. There is insufficient antecedent basis for this limitation in the claim.

Claims 7 and 8 recite the limitation "said computer" in claim 7, lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claims 7 and 8 recite the limitation "touch key pad" in claim 7, line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "as example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy (USPN 5,688,174) in further view of Svancarek et al. (USPN 5,935,224).

Kennedy discloses a computer gaming keyboard and a method of controlling a plurality of casino and gaming software comprising a controlling device with a computer interface for playing a plurality of software enabled casino games (i.e. blackjack, poker, roulette, slot machine) wherein the overall size and shape of the game controlling device is approximate to

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that of a standard size and shaped computer keyboard by disclosing in FIG. 1:18, col. 2:59-67 & col. 6:6-10, each of the player stations includes at least one data input device configured to output a player input signal responsive to player activation. An interface assembly is in operative communication with more than one of the player stations and includes an interface processor device. The interface processor device is configured to receive the player input signals and to output interface signals corresponding to particular data input device. Although a variety of card gaming programs may be utilized in accordance with the present invention, in one presently preferred embodiment CPU is configured to execute a blackjack game wherein the gaming program generates a "dealer's" blackjack hand on monitor that is visible to the player at player stations. Kennedy also discloses the computer gaming keyboard is used to enable, interface and control game player of the plurality of software that is compatible with a standard operating system, the interface device comprises a communication device that receives signals from the gaming keyboard indicative of the performance of the player during individual games played on the gaming keyboard, the communication device includes a keyboard with a touch key pad that, in response to manipulation of the player, provides signals to the computer by disclosing in col. 4:36-53 & col. 5:36-47, the player portion is constructed to simulate a casino blackjack game table. Three player stations are disposed on the top counter surface of the player portion. Each player station includes a keypad and currency acceptor. Each keypad includes a plurality of input keys by which players participate in the blackjack game. In this embodiment, each keypad includes a first row of five, and a second row of two, input keys. It should be understood by those of ordinary skill in the art that the use, number, and arrangement of such keys can depend upon the nature of video gaming program operated within the present invention. For example, a

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black jack game may require the use of different keys for different purposes than a poker game.

The personal computer assembly houses a game processor such as a CPU for executing a blackjack gaming program responsively to the information input by the player at the player stations. An input/output system such as a BIOS receives the interface and currency output signals from a buffer via a communication line, a keyboard port, and a bus. As should be understood by those of ordinary skill in the art, BIOS may further decode or encode signals received by the CPU depending upon, for example the requirements of the CPU and/or the number or sequences of activations of switches. However, Kennedy lacks in disclosing a Universal Serial Bus (USB) and a keyboard powered by standard 120 volt electric current via standard NEMA approved plug and components. It is well known in the art for electronic devices to be powered by a standard 120 volt AC, and contain internal transformers and filters to regulate the input power and noise frequencies. Svancarek, in an analogous peripheral device, teaches, in col. 1:35-45, to improve the data transfer speed between peripheral devices and the computer data bus, the USB has been developed and will soon be available on new computers. The USB is a new type of port and data communication protocol that will permit a plurality of newly designed peripheral devices to be connected to the computer in a daisy chain configuration. For example, a new keyboard designed to take advantage of this technology will have a cord with a four-pin USB plug that is adapted to mate with the USB receptacle or port on a new personal computer. Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate the teachings of Svancarek into the disclosed invention of Kennedy. One would be motivated to combine the teachings of Svancarek with the disclosure of Kennedy in order to, increase the communication speed between the keyboard and the gaming machine.

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Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy in view of Paravia et al. (USPN 6,508,710).

The disclosure of Kennedy has been discussed above and is, therefore, incorporated herein. However, Kennedy lacks in disclosing the software game being played resides in a distributed system selected from a group consisting of an Applications Solutions Provider, Internet Service Provider, Internet, and World Wide Web. Paravia, in an analogous gaming system, teaches, in col. 20:23-35, the player connects to a gaming server. In this embodiment it is contemplated that the communication with the gaming server is achieved by the player using a personal computer or similar terminal to access the gaming data located on the gaming server that is connected to the Internet or other computer network. Paravia discloses teaches the above disclosure with intention of providing a gaming system that can be implemented on the Internet or other network-type environment such that various players can access the automated gaming system from remote locations. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Paravia into the disclosed invention of Kennedy. One would be motivated to combine the teachings of Paravia with the disclosed invention of Kennedy in order to, provide a gaming system that can be implemented on the Internet or other network-type environment such that various players can access the automated gaming system from remote locations.

Conclusion

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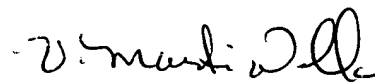
Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Martin-Wallace, can be reached at (703) 308-1148.

RM

RM

March 4, 2003


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